

5 April 2016

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Dear Professor Volmink

REPORT OF MINISTERIAL TASK TEAM: INVESTIGATION INTO THE SELLING OF EDUCATOR POSTS

The advance copy of the final report of the Task Team, dated 20 February 2016, refers.

The SAOU wishes to confirm that we have made a thorough study of the report, submitted it to our Management Committee, as well as to our National Executive Committee for thorough perusal and the preparation of a considered response. We wish to submit as follows in this regard:

1. We are grateful that an investigation into the selling of educator posts has taken place as we have heard rumours in this regard for quite some time and were understandably concerned. We are convinced that such actions are tantamount to fraud and similar criminal actions. Such actions have no place whatsoever in education and must be addressed.
2. We are equally heartened to note that the approach of the Ministerial Task Team (MTT) is that the law must be applied and must run its full course. Such actions will be supported by the SAOU.
3. We are however concerned that a large part of the report deals with matters outside the actual brief of the MTT. Instead of adhering to the brief, i.e. the identification of perpetrators and appropriate actions against them, the report in large part is a *vade mecum* for the conception of an ideal process of appointment of educators. It is our contention that in its eagerness to address the ill doings that have been identified, the MTT has gone beyond its brief.

4. To base the complete overhaul of the process of appointments and the erosion of the powers and competencies of school governing bodies on the small number of actual perpetrators is not acceptable. The current system of public schools (note not state schools) is based on sound and universal principles of democracy.
5. The overarching theme of the recommendations is to advocate the large scale centralisation of the education system. We can come to no other conclusion that it is an initiative that will reinstate a schooling system that will be at the behest of the ruling political party of the day and reminds one of the 1976 model of schooling.
6. What all concerned role players in the public education system need to do, is to address the negative perceptions regarding public education and foster ownership among all members of communities for their schools. If this cannot be attained, the perception that order and quality can only be found in the independent school system will be given more weight. The best possible mechanism to strengthen public schools is through parents and their active participation in school governing bodies. The vast majority of school governing bodies comply with their fiduciary duties towards their schools, learners and parents. There are numerous examples of such well-functioning school governing bodies.
7. If school governing bodies do not have the necessary skills and competencies, the blame must be laid at the door of the education authorities. The SAOU, and we are certain so will other unions, take hands with school governing body organisations to address such shortcomings to ensure that each and every role player is aware of the respective roles that need to be played.
8. We are equally concerned that the conclusions reached from the SAOU's input was either badly understood or deliberately misrepresented. To regard our input as "*people resisting the transformation of pre-1994 hegemonic values*" is to say the least, extremely malevolent. Amongst others, the SAOU's input is recorded as "vehement resistance" – this is overstated and totally misunderstood. This stereotype belies the actual value members of the SAOU add in the real world of education. We regard it as a gross insult.
9. It also needs to be recorded that there is an uncanny correlation with the Basic Education Laws Amendment Bill (dated 18 August 2015) that was provided to unions on 20 September 2015 by the Deputy Minister for Basic Education. The impression is that the MTT's report was drafted to support the Bill.
10. We now turn our attention to the various recommendations:
 - a. **Recommendation 1:** Supported.
 - b. **Recommendation 2:** Supported.
 - c. **Recommendation 3:** Supported.
 - d. **Recommendation 4:** The SAOU agrees with the recommendation, i.e. that clear roles for the various provincial departments of education and unions be delineated. However, we wish to add that the role of school governing bodies needs to be added to this particular process as they are an indispensable role player.
 - e. **Recommendation 5:** Supported.
 - f. **Recommendation 6:** The SAOU does not support this recommendation. A community should have the power to make recommendations with regard to teachers that fit the various communities'

requirements for teachers. The provincial department of education has no responsibility towards a particular community and is not *au fait* with such community's requirements, as well as the relevant school's curriculum and extra-curricular needs and requirements.

g. **Recommendation 7:**

- i. The SAOU supports the principle that principals must comply with minimum requirements with regard to suitability, academic acumen, experience and professional competencies.
- ii. The possibility of pre-interview testing can be supported provided that the assessment model is agreed to and will be applied in such a manner that it will comply with the principles of equity and fairness. Furthermore, although the results of such testing may be made available to the envisaged selection panels, the information must be regarded as personal and confidential, i.e. that it may only be used for purposes of the interviewing process.
- iii. The principle of selection panels can also be supported provided that the final recommendation will be made by the SGB.
- iv. The caveat to the above is to note that ELRC collective agreements currently determine the processes that underpin the appointment procedures of educators on all post levels. Any amendment of such processes can only be effected by a collective agreement by the parties to the ELRC.
- v. The organised teaching profession has held discussions among the various constituting members and in a pro-active manner have requested the ELRC that all processes that underpin the appointment procedures of educators as contemplated in the relevant collective agreements, be reviewed, refined and where necessary amended in order to address the problem areas as identified by the MTT.

h. **Recommendation 8:** Supported, provided that it must be borne in mind that principals of small schools are appointed on post level 2, and therefore the logical pool of possible candidates will in the majority of cases be post level 1 educators.

i. **Recommendation 9:** Supported.

j. **Recommendation 10:**

- i. A school should at all times be regarded as politically neutral, and therefore the principal of such a school should not be an office bearer of a particular political party.
- ii. The proposal that educators in management posts may not occupy leadership positions in teacher unions cannot be supported. It is vitally important that a teachers' union should at all times be able to portray a balanced view on all educational matters. Therefore, it is of the utmost importance that all post levels should be represented by the leadership of a teachers' union. We have obtained legal advice that the proposal will not pass constitutional compliance with regard to freedom of association.

k. **Recommendation 11:** Not supported – in conflict with the constitutional principle of freedom of association.

l. **Recommendation 12:** Supported.

m. **Recommendation 13:** Supported.

- n. **Recommendation 14:** Supported, provided that cognisance be taken that the biggest problem with the training of teachers is that the subject knowledge of such teachers is not on par with the minimum requirements for teaching such subjects effectively.
- o. **Recommendation 15:** Not supported. Any professional council is the responsibility of the profession itself, i.e. that it governs itself with regard to moral and ethical codes of conduct and minimum requirements for entering such a profession. The SAOU finds it difficult to accept that the teaching profession should be degraded in comparison to other professions.
- p. **Recommendation 16:** Supported.

The SAOU wishes to reiterate its gratefulness to the MTT, the Minister of Basic Education and the DBE for the opportunity to comment on the report. We trust that the organised teaching profession will be afforded the opportunity to discuss the report as part of a consultation process and where necessary, collective negotiations. Furthermore, we trust that the educational authorities will not abuse the legislative process to circumvent its duty to bargain on those issues that are regarded as matters of mutual interest.

In the event that the MTT requires further information regarding our response, they are welcome to contact the SAOU.

Yours faithfully



JC KLOPPER
CHIEF EXECUTIVE OFFICER